

HOUSE BILL 663
By Vincent

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 5 and Title 68, relative to administration of psychotropic drugs to public school students.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 4, is amended by adding the following as Section 49-5-416:

(a) No person shall administer or cause to be administered to a student in a public elementary or secondary school, any psychotropic drug designated by the department of health and the department of education, unless the school has obtained authorization and direction from the student's attending physician who has determined that the administration of such drugs in school is a legitimate medical need of the pupil.

(b)(1) Administration of duly authorized medication shall be carried out only by a registered nurse or a licensed physician assigned to the student's school pursuant to Tennessee Code Annotated, Sections 68-1-1201, et seq. In the event that the assigned nurse or physician is absent for the day, or any part thereof, or the student is on a school outing and the nurse is unavailable, such medication may be administered by a school employee who has volunteered to administer such medication and who has

received training prescribed by the department of health. No person shall administer psychotropic drugs to such a pupil for the purpose of clinical research.

(b)(2) No employer shall discharge or in any manner discriminate or retaliate against any employee who declines to volunteer to administer psychotropic drugs under the direction of a nurse or physician.

(b)(3) Any employer who discharges, discriminates or retaliates against such person shall be liable to such person for treble damages, costs and attorney's fees.

(c) The department of health in consultation with the department of education, shall adopt rules and regulations to govern the administration of psychotropic drugs to pupils in public schools consistent with this section. Said rules and regulations shall include, but not be limited to:

(1) a list of psychotropic drugs which shall be reviewed annually and revised as deemed necessary;

(2) requirement of a written consent and release by the parent, parents or legal guardian annually which shall include a consent to allow a person other than the nurse or physician assigned to the student's school to administer the psychotropic drugs when necessary;

(3) requirement of a written order from the attending physician to the school annually;

(4) training, supervision and administration requirements including requirements for training and supervision by medical personnel of any persons other than the nurse or doctor assigned to the student's school who may volunteer to administer such medication as provided in this section;

(5) a record keeping system, maintained in a confidential manner by the public school for each pupil receiving such drugs;

(6) requirement of annual reporting from the public schools to the department of health and the department of education on all students receiving psychotropic drugs, which shall include, but not be limited to, descriptions of the number of instances in which medication was administered by a person other than the nurse or doctor assigned to the school and the reason that the nurse or physician was unavailable; provide that data compiled by the departments shall be a matter of public record; provided further that such data shall not include any information which may identify the name of any pupil receiving psychotropic drugs; and

(7) requirement that the department of health and the department of education prepare a joint annual report to be made to the committees on education and general welfare, health and human resources of the Senate and the committees on education and health and human resources of the House of Representatives of the General Assembly. Such report shall include the number of instances in which medication was administered by a person other than the nurse or physician assigned to the school and the reason that the nurse or doctor was unavailable.

SECTION 2. Tennessee Code Annotated, Section 49-5-416, is amended by redesignating that section appropriately.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.